

STATE • INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

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Office: (317) 232-2701
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IN THE MATTER OF THE PETITION)
OF SPECTROTEL, INC., FOR A)
CERTIFICATE OF TERRITORIAL)
AUTHORITY TO PROVIDE FACILITIES)
BASED LOCAL EXCHANGE)
TELECOMMUNICATIONS SERVICES,)
INCLUDING CALLER ID SERVICES,)
THROUGHOUT THE STATE OF INDIANA;)
FOR AN ORDER REQUESTING THE)
COMMISSION TO DECLINE TO EXERCISE)
ITS JURISDICTION, IN WHOLE OR IN)
PART, AND TO THE FULLEST EXTENT)
ALLOWABLE BY LAW, PURSUANT TO I.C.)
§8-1-2.6; AND REQUEST FOR CONSENT FOR)
BOARD OF COUNTY COMMISSIONERS TO)
GRANT RIGHT-OF-WAY PERMITS,)
LICENSES, OR FRANCHISES, PURSUANT)
TO I.C. §36-2-2-23.)

CAUSE NO. 42570

FILED

FEB 04 2004

INDIANA UTILITY
REGULATORY COMMISSION

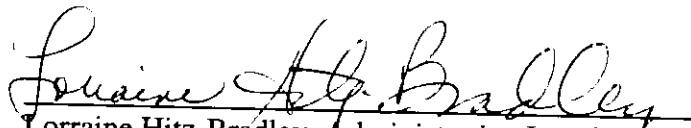
You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On January 30, 2004 pursuant to 170 I.A.C. 1-1.1-4, Spectrotel, Inc. ("Spectrotel") or ("Petitioner") filed a *Request for Confidential Treatment of Information* ("Motion") in this Cause. In its Motion, the Petitioner indicates that certain information that it intends to submit in this matter, contains trade secrets ("Confidential Information") as that term is defined under Indiana Code 24-2-3-2. Information containing trade secrets is excepted from public disclosure under Indiana Code 5-14-3-4(a)(4). In support of its Motion, the Petitioner includes the sworn *Verification of Jacob Dayan* ("Affidavit"). The Affidavit has been placed in the Commission's official file in this matter and is hereby incorporated by reference.

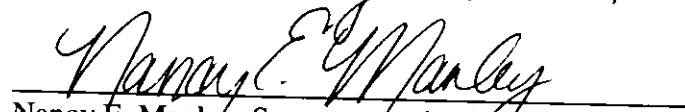
170 I.A.C. 1-1.1-4 governs the submission of confidential or privileged information to the Commission, and requires the applicant to apply for a finding by the Commission that the information is confidential. The application must be accompanied by the sworn statement or testimony of a party that describes: 1) the nature of the confidential information; 2) the reasons why the information should be treated as confidential pursuant to I.C. 8-1-2-29 and I.C. 5-14-3; and, 3) the efforts the party has made to maintain the confidentiality of the information.

The Presiding Officer, having considered Petitioner's Motion and accompanying Affidavit, finds there is sufficient basis for determination that the Confidential Information should be held as confidential by the Commission on a preliminary basis. Accordingly, Petitioner shall hand deliver to the Presiding Administrative Law Judge, in a sealed envelope clearly marked confidential, with the Cause No. noted thereon, the Confidential Information which shall be treated as confidential on a preliminary basis and excepted from public disclosure in accordance with Indiana Code 5-14-3.

IT IS SO ORDERED.


Lorraine Hitz-Bradley, Administrative Law Judge

Date: February 4, 2004


Nancy E. Manley, Secretary to the Commission